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COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION

Fifty-seventh session

SUMMARY RECORD OF THE 1419th MEETING

Held at the Palais des Nations, Geneva,
on Friday, 11 August 2000, at 3 p.m.

Chairman: Mr. SHERIFIS
later: Mr. FALL

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GE.00-43975 (EXT)

The meeting was called to order at 3.10 p.m.

CONSIDERATION OF REPORTS, COMMENTS AND INFORMATION SUBMITTED BY STATES PARTIES UNDER ARTICLE 9 OF THE CONVENTION (agenda item 4) (continued)

Draft concluding observations concerning the initial to third periodic reports of Slovakia (continued) (CERD/C/57/Misc.20/Rev.2, circulated in English only)

New paragraph 9

1. The CHAIRMAN recalled that the Committee had asked Mr. Diaconu to submit to it for adoption the text of a new paragraph 9, merging original paragraphs 9 and 10, on which the Committee had reached consensus during the initial consideration of the draft.

2. Mr. DIACONU introduced a new text in English under which the Committee would express its concern about settlement patterns with regard to the Roma minority, particularly about the fact that two municipalities had issued decrees banning Roma from their territory and about the duration of proceedings to lift them. The Committee would recommend the State party to review legislation regulating local residence permits, to investigate promptly and thoroughly incidents of discrimination in access to housing and to give speedy consideration to these issues. The Committee would invite the State party to monitor trends which gave rise to racial segregation and indicate its findings in subsequent reports.

3. Mr. PILLAI (Country Rapporteur) endorsed Mr. Diaconu's new text.

4. New paragraph 9 was adopted.

Paragraph 12

5. Mr. PILLAI (Country Rapporteur) proposed that the second sentence should be deleted.

6. Paragraph 12, as amended, was adopted.

Paragraph 13

7. Mr. ABOUL-NASR observed that the second sentence might give the impression that the low school enrolment of Roma children was due primarily to the fact that their parents were not aware of the importance of schooling, whereas it was undoubtedly above all the deplorable economic situation of Roma that prevented them from sending their children to school regularly.

8. Ms. ZOU said that she also believed that Roma parents were not unaware of the importance of learning, as the text implied. She thought rather that Roma children refused to go to school because of the discrimination they found there and that their parents did not force them to do so because they knew that schooling would be of no use to them in finding a job later on because the society discriminated against Roma.

9. Mr. VALENCIA RODRIGUEZ said that the Committee should not specifically emphasize that Roma parents should be made aware of the importance of education, but that it could make a recommendation reaffirming the importance of regular schooling for Roma children.

10. Mr. de GOUTTES said that one way to satisfy Ms. Zou and Mr. Valencia Rodriguez would be simply to reverse the order of the second sentence: the Committee would first recommend that the State party should continue efforts to develop and expand strategies to facilitate the integration of minority pupils into mainstream education and, then that it should educate parents as to the importance of continued schooling.

11. The CHAIRMAN said he took it that the members of the Committee wished to accept the solution proposed by Mr. de Gouttes and to have Mr. Pillai redraft the text accordingly.

12. It was so decided.

Paragraph 14

13. Mr. RECHETOV said that he was not satisfied with the expression "poor skill levels and low levels of education" in the second line.

14. The CHAIRMAN proposed replacing those words with the phrase "inadequate levels of education".

15. Paragraph 14, as amended, was adopted.

Paragraph 15

16. Mr. RECHETOV said that he found the two parts of the first sentence contradictory, because the Committee could not first welcome Slovakia's adoption of a law prohibiting discriminatory vacancy announcements and then immediately say that it was concerned at the absence of legislation expressly prohibiting discrimination in employment. The Committee could simply invite the State party to strengthen and expand its legislation prohibiting discrimination in employment.

17. Mr. ABOUL-NASR said that he did not see why the Committee should make recommendations to Slovakia about only one of the rights set out in article 5 of the Convention while disregarding the others. He felt that it would be preferable to invite the Government to adopt all necessary legislative measures with a view to eliminating discrimination in each of the social sectors referred to in article 5.

18. Mr. FALL proposed, accordingly, a briefer text under which the Committee would recommend that the State party should ensure that legislation expressly prohibiting discrimination in employment was promulgated and should take all necessary steps to eliminate any discrimination in employment.

19. The CHAIRMAN said he took it that the Committee approved the text proposed by Mr. Fall and wished to have Mr. Pillai redraft paragraph 15 accordingly.

20. It was so decided.

21. Ms. McDOUGALL proposed, for the sake of logic, reversing paragraphs 14 and 15, both of which had to do with employment.

22. It was so decided.

Paragraph 17

23. Mr. ABOUL-NASR said he was afraid that, by encouraging the Slovak Government to issue refugee identity cards with a validity of five years, the Committee would create a binding precedent in regard to all States parties which hosted refugees.

24. Mr. FALL, associating himself with Mr. ABOUL-NASR, said he did not believe that the Committee should dictate the behaviour of States parties regarding the issuance of identity documents to refugees. It should merely encourage them to take adequate measures to host refugees in acceptable conditions.

25. The CHAIRMAN stressed that the ultimate aim of host States was to enable refugees to return voluntarily and in safety to their countries of origin.

26. Mr. RECHETOV said he was not satisfied with the text, which he felt constituted interference in Slovakia's internal policy on hosting refugees in its territory. He therefore proposed that the paragraph should be either deleted or redrafted in extremely general terms.

27. After a discussion in which Ms. McDOUGALL, Mr. FALL, Mr. ABOUL-NASR, Mr. PILLAI, Mr. DIACONU, Mr. SHAHI and Mr. RECHETOV took part, the CHAIRMAN proposed the deletion of the paragraph.

28. It was so decided.

Paragraph 18

29. Paragraph 18 was adopted.

Paragraphs 19-21

30. Paragraphs 19-21 were adopted.

Paragraph 22

31. Mr. BRYDE proposed that the Committee should request the State party to submit its fourth and fifth periodic reports together in a single document by 2002.

32. Mr. de GOUTTES said he did not believe that such an amendment would present any problem. The Office of the High Commissioner for Human Rights had pointed out in a document transmitted to the members of the Committee that, if all States submitted their reports within the time limits provided for in the conventions to which they were signatories, the monitoring committees would be inundated. It was therefore essential to be realistic and avoid being too insistent on dates which, if respected, would render the Committee's task impossible. Consequently, it served no purpose to state that the next report of the Slovak Republic was due in May 2000. Instead, it would be quite adequate to express to the State party the Committee's hope that its next periodic report would contain up-to-date information on the status of the implementation of the Convention.

33. Ms. ZOU, while supporting the view expressed by Mr. de GOUTTES, said that if the draft concluding observations were no longer to contain any reference to the precise date for submission of the next report, the Committee would be obliged to follow suit in the case of all other States parties.

34. The CHAIRMAN proposed amending the paragraph to indicate that the State party should include up-to-date information when submitting its next report to the Committee.

35. Mr. BRYDE proposed that Slovakia should be requested to submit its next report, which had been due in May 2000, at the same time as its fifth periodic report, namely in 2002.

36. Mr. PILLAI believed that if such a proposal were adopted, the Committee would find itself in the position of no longer being able to assert that States were required to submit their reports on firmly established dates.

37. Mr. de GOUTTES supported the Chairman's proposal that the scheduled date would be the actual date of submission of the report by the State party, a practice which created no conflict and was even consistent with article 9 of the Convention, which did not specify whether the report should be a written report or an oral presentation accompanied by an updated report.

38. Mr. ABOUL-NASR proposed deletion of the reference to the date of 28 May 2000 and adoption of the paragraph accordingly.

39. The CHAIRMAN proposed that paragraph 22 should be adopted without the words "which was due on 28 May 2000".

40. It was so decided.

41. The draft concluding observations of the Committee concerning the Slovak Republic as a whole, as orally amended, were adopted.

Draft concluding observations concerning the Czech Republic (CERD/C/27/Misc.22/Rev.2, circulated in English only)

Paragraph 1

42. Paragraph 1 was adopted.

Paragraph 2

43. After a discussion in which Mr. RECHETOV, Mr. VALENCIA RODRIGUEZ, Mr. BOSSUYT, Mr. FALL and the CHAIRMAN took part, it was decided that the second sentence of paragraph 2 should be deleted.

44. Paragraph 2, as amended, was adopted.

Paragraph 3

45. Paragraph 3 was adopted, subject to editorial amendments.

Paragraph 4

46. Ms. JANUARY-BARDILL proposed the deletion of the phrase "the enactment of" from the first sentence.

47. The proposal was adopted.

48. Mr. de GOUTTES emphasized that the paragraph dealt with a relatively specific point and should therefore appear after paragraph 6, which was more general in nature. The other paragraphs would then be renumbered accordingly.

49. The proposal was adopted.

50. Paragraph 4, as amended, was adopted.

Paragraphs 5-8

51. Paragraphs 5-8 were adopted.

Paragraph 9

52. Mr. RECHETOV said he did not think that the word "emancipation" contained in the last sentence was the term appropriate to the situation of the Roma in the State party.

53. Ms. McDOUGALL, supported by Ms. JANUARY-BARDILL, pointed out that the term was used in the report of the Czech Republic and conveyed an idea that it would be unfortunate to water down. She proposed placing it between quotation marks.

54. Mr. DIACONU, noting that the term "emancipation" evoked the emancipation from serfdom in the nineteenth century, suggested replacing it with the words "social integration".

55. Mr. PILLAI suggested the phrase "social and political integration", since the integration of the Roma minority should also be political.

56. Mr. BOSSUYT said that it was a delicate matter to introduce the idea of political integration, he would therefore prefer to refer only to social integration.

57. Mr. ABOUL-NASR said he was not in favour of any reference to integration, as he questioned whether the Roma desired such integration and therefore saw no need to amend the paragraph.

58. Mr. de GOUTTES suggested that the problem could be avoided by simply stating: "especially measures designed to eliminate their social exclusion".

59. Mr. FALL, pointing out that paragraph 9 covered housing, education and employment, and hence social affairs, said that it was appropriate to refer to social integration.

60. Mr. SHAHI thought that the expression "eliminate their social exclusion" had a stronger meaning than "promote their social integration" and was therefore preferable.

61. Paragraph 9, as orally amended in accordance with the proposal of Mr. de Gouttes, was adopted.

Paragraph 10

62. Mr. FALL proposed that the words "when appropriate" should be deleted from the last sentence, as he thought that they slightly deleted the Committee's recommendation.

63. Paragraph 10, as orally amended, was adopted.

Paragraph 11

64. Mr. RECHETOV suggested replacing "open racism" with "straightforward racism", "incitement of racial hatred" with "incitement to racial hatred" and "dismantled" with "prohibited".

65. The CHAIRMAN said he saw no objection to the last two proposals of Mr. Rechetov. In regard to the first proposal, he suggested the use of "racism" alone, without the addition of any qualifying adjective.

66. Mr. BOSSUYT proposed redrafting the last sentence to read: "organizations whose members openly promote xenophobia and racism".

67. The CHAIRMAN said that, whether or not openly advocated, racism was to be condemned.

68. Mr. ABOUL-NASR said that the racism being punished was the type expressed in acts that were perpetrated openly.

69. Mr. de GOUTTES believed that the use of the term "promotion", which encompassed the idea of machinations, would meet the concern expressed by Mr. Aboul-Nasr. In his view, the qualifying word "open" could be deleted.

70. The CHAIRMAN noted no objections.

71. Mr. SHAHI proposed the deletion of the word "type" in the last sentence.

72. Paragraph 11, as orally amended, was adopted.

Paragraph 12

73. Mr. RECHETOV said he did not understand the reference made in the final phrase of the second sentence, which read "many of which may not be reported".

74. Mr. de GOUTTES said that the referrence was to unrecorded cases.

75. Mr. RECHETOV said he would therefore propose the phrase "many of which may not even be reported".

76. Mr. de GOUTTES wondered whether it was necessary to introduce the second sentence with the word "Nevertheless".

77. Mr. BOSSUYT proposed combining the first two sentences by using the phrase: "While noting the information..., the Committee is concerned...".

78. Paragraph 12, as orally amended in accordance with the proposals of Mr. Rechetov and Mr. Bossuyt, was adopted.

Paragraph 13

79. Mr. RECHETOV, in the interests of consistency with the provisions of the Convention, proposed replacing the phrase "without any type of discrimination" in the second sentence with the phrase "without any form of discrimination".

80. Paragraph 13, as orally amended, was adopted.

Paragraphs 14-18

81. Paragraphs 14-18 were adopted without amendment.

82. The draft concluding observations of the Committee concerning the Czech Republic as a whole, as amended, were adopted.

Draft concluding observations concerning the fourteenth periodic report of Nepal (CERD/C/37/Misc.23/Rev.1, circulated in English only)

Paragraph 1

83. Paragraph 1 was adopted.

84. Mr. Fall took the Chair.

Paragraph 2

85. Mr. PILLAI proposed simplifying the second part of the last sentence, so as to read: "but regrets that inadequate information to answer...".

86. Mr. ABOUL-NASR, supported by Mr. SHAHI, said he was not convinced of the need to reproach the delegation for having failed to reply fully to the sometimes very numerous questions, asked by the Committee members.

87. Mr. de GOUTTES said he believed that the last sentence could be deleted.

88. Ms. JANUARY-BARDILL proposed that only the second part of the sentence should be deleted, emphasizing that the State party had none the less replied to certain questions.

89. Mr. RECHETOV supported the proposal of Ms. January-Bardill, although he pointed out that the representative of Nepal had evaded certain questions.

90. The CHAIRMAN took it that the members of the Committee as a whole were opposed to retaining the second sentence of the paragraph and therefore suggested its deletion.

91. It was so decided.

92. Paragraph 2, as amended, was adopted.

Paragraphs 3-5

93. Paragraphs 3-5 were adopted.

Paragraph 6

94. Mr. de GOUTTES proposed removal of the brackets containing the phrase "(i.e., the caste system)", as the caste system was a major problem in Nepal.

95. Paragraph 6, as amended, was adopted.

Paragraph 7

96. Mr. SHAHI stressed that a consistent approach should be adopted in drafting concluding observations; if Nepal were requested to withdraw its reservations to articles of the Convention, the same should apply to all States parties which had made reservations to the Convention.

97. Mr. RECHETOV shared the view of Mr. Shahi in that connection and added that, if the paragraph were to be retained, it would be preferable not to place it in first position under "Concerns and recommendations".

98. Mr. DIACONU pointed out that Nepal had made the reservations in question, which in his view were very restrictive, in 1976 in a historical context that was altogether different from the present context and that the State party should therefore reconsider them in the light of the developments in the situation. He was thus in favour of retaining the paragraph and saw no problem in placing it under the section entitled "Concerns and recommendations".

99. Mr. ABOUL-NASR, responding to Mr. Shahi's comment, stressed that the Committee was not requesting the State party to withdraw its reservations, since in accordance with article 20 of the Convention, it was perfectly entitled to make such reservations. Instead, it was merely making a recommendation to Nepal that it should consider withdrawing the reservations in question, which, in his view, was acceptable. He was therefore in favour of retaining the paragraph and proposed the use of an even more neutral form of wording, namely: "concern was expressed during the discussion..." instead of "the Committee remains concerned that...".

100. The CHAIRMAN, sharing the view of Mr. ABOUL-NASR, proposed that the paragraph should be redrafted to take into account the proposals which had just been made. It should then be inserted at the end of the section, before the paragraph concerning the provisions of article 14 of the Convention.

101. It was so decided.

102. Paragraph 7 was adopted, subject to the above-mentioned amendments.

Paragraph 8

103. Paragraph 8 was adopted.

Paragraph 9

104. Mr. PILLAI asked whether it was truly necessary to request States parties to provide disaggregated data on the population by age, sex, ethnic origin and so on.

105. Mr. LECHUGA HEVIA (Country Rapporteur) said that the Committee usually made such requests in order to have an idea of the extent of the discrimination to which individuals might be

subjected owing to their sex or ethnic origin. He considered it useful to continue making that request in regard to States parties.

106. The CHAIRMAN said that it was not easy for certain States to provide all such data and suggested that they should not be requested to do so. Accordingly, he proposed deletion of the last sentence of the paragraph.

107. It was so decided.

108. Paragraph 9, as amended, was adopted.

The meeting rose at 6.10 p.m.